



## **DRAFT MINUTES**

### **LAFCO REGULAR MEETING**

**Wednesday, May 10, 2006, 9:00 a.m.**

**Planning Commission Hearing Room, Hall of Administration  
10 Civic Center Plaza, Santa Ana, CA**

*(Any member of the public may request to speak on any agenda item at the time that item is being considered by the Commission.)*

**1. CALL TO ORDER**

**Chair Robert Bouer** called the regular meeting of the Local Agency Formation Commission (LAFCO) to order at 9:02 a.m.

**2. PLEDGE OF ALLEGIANCE**

**Commissioner Charley Wilson** led the pledge of allegiance.

**3. ROLL CALL**

The following commissioners and alternates were present:

- **Commissioner Robert Bouer**
- **Commissioner Bill Campbell**
- **Commissioner Peter Herzog**
- **Commissioner Arlene Schafer**
- **Commissioner Susan Wilson**
- **Commissioner Tom Wilson**
- **Alternate Commissioner James Silva**
- **Alternate Commissioner Charley Wilson**

The following LAFCO staff members were present:

- Legal Counsel Clark Alsop
- Executive Officer Joyce Crosthwaite
- Assistant Executive Officer Bob Aldrich
- Project Manager Kim Koeppen
- Project Manager Carolyn Emery
- Communications Analyst Danielle Ball
- Administrative Assistant Daphne Charles

#### **4. APPROVAL OF MINUTES**

a.) April 12, 2006 – Regular Commission Meeting

**MOTION:** Approve minutes from April 12, 2006, as presented and without revision (Bill Campbell)

**SECOND:** Arlene Schafer

**FOR:** Robert Bouer, Bill Campbell, Peter Herzog, Arlene Schafer, Charley Wilson

**AGAINST:** None

**ABSTAIN:** Susan Wilson, Tom Wilson

**MOTION PASSED**

#### **5. PUBLIC COMMENT**

**Chair Bouer** requested public comments on any non-agenda item. Receiving no comments, he closed the public comment agenda item.

Executive Officer Crosthwaite indicated that Joe Sanchez of Best, Best & Krieger LLP would provide an informational presentation on the laws pertaining to sexual harassment in the workplace during informational items and announcements, agenda item “10.”

#### **6. CONSENT CALENDAR**

a.) Quarterly Budget Update

b.) Improvement District No. 1 (IRWD ID 253) Annexation to the Orange County Sanitation District (DA 06-09)

c.) Talega Annexation No. 31 to the City of San Clemente (CA 05-04)

d.) Talega Annexation No. 36 to the City of San Clemente (CA 05-09)

e.) Talega Annexation No. 38 to the City of San Clemente (CA 05-11)

f.) Talega Annexation No. 39 to the City of San Clemente (CA 05-12)

**MOTION:** Approve consent calendar (Tom Wilson)

**SECOND:** Charley Wilson

**FOR:** Robert Bouer, Bill Campbell, Peter Herzog, Arlene Schafer, Charley Wilson, Susan Wilson, Tom Wilson

**AGAINST:** None

**ABSTAIN:** None

**MOTION PASSED**

**7. PUBLIC HEARING**

- a.) Municipal Service Review and Sphere of Influence Update for the City of Yorba Linda (MSR 06-21 & SOI 06-22) and Yorba Linda Water District (MSR 06-23 & SOI 06-24)
- b.) Adoption of Final LAFCO Budget for Fiscal Year 2006-2007

**7a. Municipal Service Review and Sphere of Influence Update for the City of Yorba Linda (MSR 06-21 & SOI 06-22) and Yorba Linda Water District (MSR 06-23 & SOI 06-24)**

Communications Analyst Ball presented the staff report for the municipal service review (MSR) and sphere of influence (SOI) update for the City of Yorba Linda (MSR 06-21 & SOI 06-22) and Yorba Linda Water District (MSR 06-23 & SOI 06-24).

Regarding the City of Yorba Linda, Ms. Ball said that staff did not note any significant issues in completing the MSR and SOI review. She recommended that the Commission reaffirm the city's current sphere of influence.

Regarding the Yorba Linda Water District (YLWD), Ms. Ball said that, while staff did not note any significant issues in completing the MSR and SOI review, staff was proposing modifications to the district's sphere of influence. She explained that, because YLWD extends water and sewer service to many areas beyond its current service territory within the City of Yorba, staff recommended changing the district's sphere to include all territory within the City of Yorba Linda's corporate and sphere of influence boundaries, with the exception of an area in the southeastern corner of the city's sphere, which includes territory belonging to the Chino Hills State Park.

**Commissioner S. Wilson** complimented staff on a job well done.

Executive Officer Crosthwaite added that the district's Board of Directors was very impressed with the report and intends to utilize the report to educate its ratepayers and future Board members about the district's operations.

**Chair Bouer** opened the public hearing. Receiving no comments, he closed the public hearing.

**MOTION:**           **Approve staff recommendations for the City of Yorba Linda, including the reaffirmation of the city's current sphere of influence (Bill Campbell)**

**SECOND:**          **Charley Wilson**

**FOR:** Robert Bouer, Bill Campbell, Peter Herzog, Arlene Schafer, Charley Wilson, Susan Wilson, Tom Wilson

**AGAINST:** None

**ABSTAIN:** None

**MOTION PASSED**

**MOTION:** Approve staff recommendations for the Yorba Linda Water District, including changes to the district's current sphere of influence (Bill Campbell)

**SECOND:** Charley Wilson

**FOR:** Robert Bouer, Bill Campbell, Peter Herzog, Arlene Schafer, Charley Wilson, Susan Wilson, Tom Wilson

**AGAINST:** None

**ABSTAIN:** None

**MOTION PASSED**

**7b. Adoption of Final LAFCO Budget for Fiscal Year 2006-2007**

Assistant Executive Officer Aldrich presented the final LAFCO budget for Fiscal Year (FY) 2006-2007. He explained that the proposed budget had been circulated to LAFCO's funding agencies for review and comment, and staff received no comments. He further added that since the April LAFCO meeting, during which the Commission considered the proposed budget, ISDOC had modified its formula for dividing the LAFCO funding allocation, thereby ensuring a more equitable split amongst its agencies as demonstrated in the staff report.

Responding to a question posed by **Commissioner Schafer**, Mr. Aldrich affirmed that the electronic distribution of LAFCO documentation has resulted in significant savings in both time and materials.

**Chair Bouer** opened the public hearing on agenda item "7b." Receiving no response, he closed the public hearing without any comments from the public.

**MOTION:** Adopt the LAFCO final budget for FY 2006-2007 and related staff recommendations (Bill Campbell)

**SECOND:** Tom Wilson

**FOR:** Robert Bouer, Bill Campbell, Peter Herzog, Arlene Schafer, Charley Wilson, Susan Wilson, Tom Wilson

**AGAINST:** None

**ABSTAIN:** None

**MOTION PASSED**

**8. COMMISSION DISCUSSION**

a.) LAFCO 2006 Calendar Revision

**8a. LAFCO 2006 Calendar Revision**

Executive Officer Crosthwaite indicated that there was nothing on the docket for the Commission's June meeting and said that meeting cancellation was at the Commission's discretion.

**MOTION:** Amend LAFCO 2006 calendar, canceling the meeting scheduled to convene June 7, 2006 (Arlene Schafer)  
**SECOND:** Charley Wilson  
**FOR:** Robert Bouer, Bill Campbell, Peter Herzog, Arlene Schafer, Charley Wilson, Susan Wilson, Tom Wilson  
**AGAINST:** None  
**ABSTAIN:** None  
**MOTION PASSED**

**9. COMMISSIONER COMMENTS**

**Chair Bouer** opened the floor for comments.

**Commissioner Campbell** debriefed his fellow commissioners on the latest discussions between the County, City of Orange, and Orange County Sanitation District (OCSD) re sewer service provision in unincorporated Orange Park Acres (OPA). He stated that former OCSD General Manager, Blake Anderson, had agreed to spearhead the OPA annexation, which didn't occur, and now the City of Orange has refused to execute any additional out-of-area agreements without negotiations between the city, County, and OCSD.

**Commissioner Campbell** indicated that he had directed the County Executive Officer to meet with OCSD's current General Manager, Jim Ruth, as well as Executive Officer Crosthwaite and officials from the city to resolve the issue. He expressed disappointment that the city would leverage the sewer issue to force the annexation of OPA to the city but said he was hopeful the agencies would effectively collaborate to find a solution.

Receiving no additional comments, **Chair Bouer** closed commissioner comments.

## 10. INFORMATIONAL ITEMS & ANNOUNCEMENTS

Executive Officer Crosthwaite introduced Joe Sanchez of Best, Best & Krieger LLP, who provided a session on the latest changes in California ethics laws and sexual harassment. At the conclusion of his presentation, he welcomed questions from the Commission and staff.

**Commissioner Campbell** initiated a discussion of special policy provisions that protect the agency, including a stipulation in the policies and procedures that directs staff to contact the chair of the Commission's executive committee if they have concerns or complaints about the Executive Officer.

Mr. Sanchez stated that "avoidable consequences" is a clear defense, as an employer cannot intervene if it is left unaware of a situation. He said that the Commission has a clear policy in place that includes a process for employees to express grievances and concerns.

**Commissioner S. Wilson** commented that, like child abuse allegations in an educational setting, an employer is obligated to investigate any claim of sexual harassment. Mr. Sanchez concurred, adding that the agency has an affirmative duty to investigate any claim made by an employee, even those made "off the record" or "in private."

## 11. CLOSED SESSION

None

## 12. ADJOURNMENT

**Chair Bouer** adjourned the meeting at 9:43 a.m.

\* \* \* \* \*

JOYCE CROSTHWAITE  
Executive Officer  
Orange County Local Agency Formation Commission

By: \_\_\_\_\_  
Danielle M. Ball  
Communications Analyst/Commission Clerk